

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DEREK WATSON and
DAWN WATSON,

Plaintiffs,

CASE NO. 05-CV-74043

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

FELIX TREVINO, et al.,

Defendants.

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ORDER
GRANTING DEFENDANTS' MOTION TO DISMISS PLAINTIFF DAWN WATSON

Before the Court is Defendants' February 7, 2007 Motion to Dismiss Plaintiff Dawn Watson. (Docket No. 93). Plaintiffs filed their Response on February 20, 2007. Having considered the record, and for the reasons that follows, the Court GRANTS Defendants' Motion.

The Court has previously held that Plaintiffs' only claim before this Court is § 1983 excessive force. *See Watson v. Trevino*, No. 05-74043, 2007 WL 201804 (E.D. Mich. Jan. 24, 2007) (unpublished). Defendants argue that since the Court granted Defendants' Motion for Summary Judgment as to Defendant Christopher Rhind, the only individual who had any physical contact with Plaintiff Dawn Watson, the Court should dismiss Plaintiff Dawn Watson from this case.

Plaintiffs respond that (1) their Complaint contains a "pendant state claim for negligent and intentional infliction of emotion distress"; and (2) they have filed pending a Motion for

Reconsideration, a Motion for Relief from Judgment, and a Motion to Amend Complaint, thus making it premature to dismiss Plaintiff Dawn Watson from the case.

Plaintiffs' Complaint does not state a Michigan cause of action for intentional or negligent infliction of emotional distress. It states one single federal claim: excessive force. The Court will not divine an undesignated state claim in a federal Complaint. The Complaint states no grounds for relief for Plaintiff Dawn Watson relating to Plaintiff Derek Watson's excessive force claim. Finally, the Court has denied Plaintiffs' Motion for Reconsideration and Motion for Relief from Judgment on March 2, 2007. (Docket No. 105). Therefore, the Court GRANTS Defendants' Motion to Dismiss Plaintiff Dawn Watson.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: March 12, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on March 12, 2007.

s/Denise Goodine
Case Manager